IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5979 OF 2004

Dr.Ajit Baburao Patil ...Petitioner

Versus

State of Maharashtra & Anr. ...Respondents

.....

Mr.A.B.Borkar for Petitioner.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 16, 2004.

P.C.

1. Heard Counsel appearing for the Petitioner.

2. I find no reason to interfere with the discretionary order passed by the Court below. The Court below has rightly rejected the argument of hilly area pressed into service on behalf of the Petitioner to contend that it was possible for him to construct the structure at the disputed spot.

So long as no permission has been granted in favour of the Petitioner, the Court below was justified in setting aside the order passed by the Trial Court restraining the Authority from taking any action against the Petitioner for such construction. I see no reason to interfere with the opinion reached by the Court below at this interlocutory stage. Hence, dismissed.

3. At this stage, request is made that at least the trial of the Suit be expedited. That request be made before the Trial Court, which in turn, will consider the same and pass appropriate orders.

A.M.KHANWILKAR, J.